

E
**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA)

VS)

Richard Donald SCOTT)

Case No. **08 MJ 1076**

COMPLAINT FOR VIOLATION OF
21 U.S.C. Sections 952 & 960,
Importation of a Controlled Substance

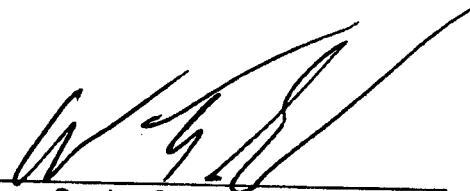
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FILED
2008 APR -7 AM 10:35
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
CLERK

The undersigned complainant being duly sworn states:

COUNT 1


That on or about April 5, 2008, within the Southern District of California, Richard Donald SCOTT did knowingly and intentionally import approximately 37 kilograms (81.4 pounds) of Marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.



Andrew Soule, Special Agent
U.S. Immigration and
Customs Enforcement

Sworn to before me and subscribed in my presence, this 7th day of April 2008.



Ruben B. Brooks
United States Magistrate-Judge

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1 UNITED STATES OF AMERICA

2 v.

3 Richard Donald SCOTT

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6 STATEMENT OF FACTS

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8 This complaint is based on the reports, documents and notes
9 furnished to U.S. Immigration and Customs Enforcement Special
10 Agent Andrew Soule.

11 On April 05, 2008, at approximately 1857 hours, Richard
12 Donald SCOTT, a United States citizen, presented a California
13 Identification Card (C2334194) to Customs and Border Protection
14 Officer (CBPO) Jesus Segovia as SCOTT applied for entry into the
15 United States at the San Ysidro, California, Port of Entry, from
16 the Republic of Mexico. SCOTT was the driver and sole occupant
17 of a 1996 Dodge Grand Caravan bearing California license plate
18 5UMU168.

19 During the primary screening process, CBPO Segovia noticed
20 that the vehicle had two prior crossings. SCOTT declared to have
21 purchased the vehicle one week ago, no current or valid vehicle
22 registration, claimed to have visited his ex-girlfriend who
23 resides in Tijuana, Mexico, and was on his way to Long Beach,
24 California. SCOTT was subsequently referred to the secondary
25 inspection area for further inspection.

26 During secondary examination CBPO Brunette requested that
27 CBP Canine Enforcement Officer (CEO) Joel Fernandez utilize his
28 Narcotic Detector Dog (NDD) to screen the 1996 Dodge Grand
29 Caravan. The NDD alerted by sitting inside the vehicle,

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1 indicating the presence of a narcotic odor. Further inspection
2 by CBPO Brunette resulted in the discovery of a non-factory
3 compartment located in the roof of the Grand Caravan, which
4 contained a total of seventeen (17) packages containing a green
5 leafy substance. A random sample was obtained from one of the
6 packages, which field-tested positive for marijuana. The total
7 weight of the marijuana was 37.05 kilograms (81.73 pounds).
8 SCOTT was arrested for importation of marijuana into the United
9 States.

10 Special Agents with Immigration and Customs Enforcement
11 (ICE) conducted a visual inspection of the Grand Caravan and
12 noted various toys for toddlers and the fuel gauge, which
13 indicated 1/8 of a tank. SCOTT was searched incident to arrest
14 and had \$2.00 on his person, no credit cards, or other monetary
15 instruments.

16 SCOTT was later advised of his Constitutional rights
17 according to Miranda, which he acknowledged and waived. SCOTT
18 declared he purchased the "Dodge" vehicle three days ago and had
19 paid \$900.00 U.S. dollars in three installments of \$400.00,
20 \$200.00 and \$300.00.

21 As SCOTT proceeded with his statements, he clutched and
22 crossed his arms, made no eye contact with the agents, and turned
23 his head away. SCOTT continued and stated he did not want to get
24 in trouble and did not want to get anyone else in trouble so he
25 terminated the interview.

26 SCOTT was transported to the Metropolitan Correctional
27 Center, San Diego, California awaiting his Initial Appearance
28 before a U. S. Magistrate Judge in San Diego, California.
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